

sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a State or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (g) (2), (3), and (4) of this section.

(h) On March 7, 1994, Indiana requested a revision to the State Implementation Plan (SIP) for New Source Review (NSR) to satisfy the requirements of the Clean Air Act Amendments of 1990. The Indiana 326 IAC regulations do not include a definition of "federally enforceable". On July 13, 1994, Pamela Carter, Attorney General of the State of Indiana, sent a letter to USEPA clarifying Indiana's interpretation of the definition of federally enforceable. The letter states that federally enforceable, e.g. as used in 326 IAC 2-3-1, should be interpreted in accordance with the federal definition at 40 CFR 51.165(a)(1)(xiv). The USEPA took the opportunity of rulemaking on the State's submittal to recodify the permitting SIP to conform to Title 326 the Indiana Administrative Code.

[37 FR 10863, May 31, 1972, as amended at 38 FR 12698, May 14, 1973; 39 FR 4663, Feb. 6, 1974; 39 FR 7281, Feb. 25, 1974; 40 FR 50270, Oct. 29, 1975; 51 FR 40677, Nov. 7, 1986; 59 FR 51114, Oct. 7, 1994]

§ 52.781 Rules and regulations.

(a) [Reserved]

(b) A part of the second sentence in section 3, APC-17, which states "Where there is a violation or potential viola-

tion of ambient air quality standards, existing emission sources or any existing air pollution control equipment shall comply with th

(c)-(d) [Reserved]

(e) Section 2(d) of APC-20, Fugitive Dust Emissions, is disapproved because it is unenforceable within the terms of the regulation.

(f) Subsections 3(b)(3) and 3(b)(5) of APC-2 (May 18, 1977) are disapproved because they are unenforceable within the terms of the regulation.

[37 FR 10863, May 31, 1972, as amended at 37 FR 15084, July 27, 1972; 38 FR 12698, May 14, 1973; 40 FR 50033, Oct. 28, 1975; 43 FR 26722, June 22, 1978]

§ 52.782 Request for 18-month extension.

(a) The requirements of § 51.341 of this chapter are not met since the request for an 18-month extension for submitting that portion of the plan that implements the secondary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region does not show that attainment of the secondary standards will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology.

[37 FR 10863, May 31, 1972, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.783 [Reserved]

§ 52.784 Transportation and land use controls.

(a) To complete the requirements of subpart L and subpart G of this chapter, the Governor of Indiana must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Indiana's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Indianapolis Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for

implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

[38 FR 7326, Mar. 20, 1973, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.785 Control strategy: Carbon monoxide.

(a) The requirements of subpart G of this chapter are not met because the plan does not provide for attainment and maintenance of the national standards for carbon monoxide in the Metropolitan Indianapolis Intrastate Region by May 31, 1975.

[38 FR 16565, June 22, 1973, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.786 Inspection and maintenance program.

(a) Definitions:

(1) *Inspection and maintenance program* means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) *Light-duty vehicle* means a motor vehicle rated at 6,000 lb. GVW (gross vehicle weight) or less.

(3) All other terms used in this section that are defined in part 51, subpart G of this chapter, are used herein with the meanings so defined.

(b) This regulation is applicable in the County of Marion, Indiana (including all cities, towns and municipal corporations therein).

(c) The State of Indiana shall establish and cause the implementation of an inspection and maintenance program applicable to all gasoline-powered light duty vehicles which are registered in Marion County. Such program shall conform with this § 52.786. The Consolidated City of Indianapolis, the County of Marion, and other municipalities within the County of Mar-

ion, shall take all legislative, executive, or other action necessary to establish and implement the program required by this regulation.

(d) Not later than April 1, 1975, the State of Indiana, the County of Marion and the Consolidated City of Indianapolis shall jointly submit to the Administrator, for his approval, legally adopted legislation and/or regulations establishing the regulatory scheme for the inspection/maintenance program required by paragraph (c) of this section. The legislation and/or regulations shall include:

(1) Provisions requiring inspection of all light-duty motor vehicles subject to the inspection program required by paragraph (c) of this section at periodic intervals no more than 1 year apart by means of an idle test. Any class or category of vehicles that are found to be rarely used on public streets and highways (such as classic or antique vehicles) may be exempted.

(2) Provisions for regulatory criteria that are consistent with achieving an 11 percent reduction of hydrocarbon emissions from light-duty vehicles.

(3) Provisions ensuring that failed vehicles receive, within 30 days, the maintenance necessary to achieve compliance with the inspection standards. These provisions shall impose sanctions against owners of non-complying vehicles, require retest of failed vehicles following maintenance, require a suitable distinctive tag or sticker for display on complying vehicles, and include such other measures as are necessary or appropriate.

(4) Provisions establishing a certification program to ensure that testing stations performing the required tests have the necessary equipment and knowledgeable operators to perform the tests satisfactorily, imposing sanctions against non-complying testing stations, and containing such other measures as necessary or appropriate to a testing program.

(5) Provisions prohibiting vehicles from being intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them no longer to comply with the inspection standards. These may include authorization of spot